

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Commercial Taxes Department – Sri A.A.P. Nageswar, formerly Commercial Tax Officer, Proddatur- Gross negligence in issue of way bills – Caused loss of revenue to Government – Disciplinary action initiated – Dismissed from Service – Filed O.A. No.1826/2010 before the Hon'ble A.P. Administrative Tribunal – Implementation of Interim Orders of Hon'ble A.P. Administrative Tribunal, dated 06.04.2010 and 15.04.2010 – Individual reinstated into service – Orders – Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Rt.) No. 216.

Dt.17.02.2011.

Read the following:-

- 1) G.O. Ms. No.1197, Revenue (Vig.I) Deptt., dt.17.10.2008.
- 2) Hon'ble APAT Orders, dt.06.04.2010 in O.A. No.1826/2010 filed by Sri A.A.P. Nageswar, CTO (Dismissed).
- 3) Hon'ble APAT Orders, dt.15.04.2010 in O.A. No.1826/2010 filed by Sri A.A.P. Nageswar, CTO(Dismised).
- 4) VMA No.1067/2010 filed by the Govt., in O.A. No.1826/2010.
- 5) C.A. No.569/2010 filed by Sri A.A.P. Nageswar, CTO (Dismissed).
- 6) Hon'ble APAT Orders, dt.25.01.2011 in VMA No.1067/2010 in O.A. No.1826/2010.

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ORDER:

In the reference first read above, orders were issued imposing the punishment of dismissal from service against Sri A.A.P. Nageswar, formerly Commercial Tax Officer-I, Proddatur, on the allegations of indiscriminate issue of waybills without proper verification to certain dealers which resulted in loss of revenue to the Government exchequer and as he was found guilty of the charges framed against him.

2) Aggrieved by the above, Sri A.A.P. Nageswar, Commercial Tax Officer has approached the Hon'ble A.P. Administrative Tribunal by filing O.A. No.1826 of 2010 with a prayer to set aside the punishment orders issued in G.O. Ms. No.1197, Revenue (Vig.I) Department, dt.17.10.2008.

3) And whereas in the reference second read above, the Hon'ble A.P. Administrative Tribunal has issued orders suspending the punishment orders issued in G.O. Ms. No.1197, Revenue (Vig.I) Department, dt.17.10.2008 until further orders and directing to continue the applicant in service until further orders.

4) And whereas in the reference third read above, the Hon'ble A.P. Administrative Tribunal suspended the impugned G.O. Ms. No.1197, Revenue (Vig.I) Department, dt.17.10.2008 until further orders, while observing that it was clear that the Enquiry Officer did not discuss about the statement recorded by him for enquiry and he also did not discuss about the various points raised by the Charged Officer in his statement after remand and the Enquiry Officer only stated that his findings on the charges framed against the Charged Officer, contained in the inquiry report dt.5.11.2001 hold good and that the enquiry is restricted to the role of subordinate officers.

5) Government after careful examination of the interim orders issued by the Hon'ble A.P. Administrative Tribunal in the references second and third read above, find that the same are

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purely on technical grounds. Hence, under Rule-8(4) of the A.P. Civil Service (CC&A) Rules, 1991, Government hereby decide, to reinstate Sri A.A.P. Nageswar, Commercial Tax Officer into service and place him under deemed suspension with effect from 17.10.2008, i.e., the date of the original order of dismissal. He will be entitled to subsistence allowance @ 50% of his pay, D.A., and other compensatory allowances, as per Rules during the period spent under deemed suspension.

6) The Commissioner of Commercial Taxes shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A.A.P. Nageswar, Commercial Tax Officer
through the Commissioner of Commercial Taxes,
A.P., Hyderabad.
The Commissioner of Commercial Taxes, A.P., Hyderabad.
Copy to:-
The Government Pleader for Revenue (Ser.),
A.P. Administrative Tribunal, Hyderabad.
The Revenue (CT.I) Department.
File.

// FORWARDED :: BY ORDER //

SECTION OFFICER